

1 (Applause.)

2 COMMISSIONER ADELSTEIN: Well, thanks to  
3 all of the effort and concern that went into it, I  
4 don't think the FCC will be able to do that again. As  
5 a matter of fact, I'm confident in it.

6 (Applause.)

7 COMMISSIONER ADELSTEIN: The court gave us  
8 the opportunity to reclaim the public airwaves for the  
9 people, and we can get it right this time, but as  
10 Commissioner Copps said, it's going to take a lot of  
11 hard work. It's not easy. We didn't get it handed to  
12 us on a platter. It was just an opportunity that we  
13 have to work for and make happen ourselves.

14 Now, Commissioner Copps and I have already  
15 called for more public participation and more public  
16 hearings this time around, and frankly, the court  
17 asked for the same thing in a stunning statement. They  
18 actually footnoted the road trip that we took around  
19 the country in this court decision. It was  
20 remarkable.

21 We should commission independent studies  
22 to really examine the effects of media concentration

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1 and the effects on localism. We should study the  
2 effect of concentration on children, on minorities, on  
3 workers, on small businesses, on independent  
4 programming, on local creative artists and talent, on  
5 the coverage of local political issues and elections,  
6 and on the disability community.

7 Everyone in America is affected by how the  
8 media operates, including issues of localism and media  
9 consolidation as well, and the FCC simply must do a  
10 more thorough review this time.

11 So tonight is your turn to weigh in.  
12 We're here tonight directly to hear from your  
13 experiences with TV and radio, and we want your  
14 perspective on how well broadcasters are doing in  
15 serving the needs of your community right here in the  
16 Central Coast.

17 We want to know are you getting enough  
18 coverage of local issues of concern to you, including  
19 local elections. Do you have enough news from  
20 different sources? Are they providing balanced  
21 coverage of every segment of the community? Are they  
22 providing enough family friendly programming? Are you

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1 hearing local artists played on the radio?

2 We're here to talk about localism.  
3 Broadcast radio and television are so distinct and so  
4 unique and broadcasters are proud of their legacy.  
5 They're required by law to serve the public interest,  
6 as we've heard. It's part of the bargain that they  
7 have with the government.

8 My view, localism doesn't mean just giving  
9 promotional air time and money to charitable  
10 organizations, as commendable as that is. What it has  
11 always meant for us is providing real opportunities  
12 for local self-expression. It means reaching out,  
13 developing it, promoting local performing artists,  
14 musicians and other talent. It means dedicating the  
15 resources to discover and address the needs of the  
16 community. It means being accessible, sending  
17 reporters and cameras out to all parts of the  
18 community.

19 It means making programming decisions that  
20 truly reflect the make-up of the community, such as  
21 this region's large Hispanic population.

22 Now, a lot of broadcasters have a deep

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1 commitment to their communities, and they can really  
2 serve as a sounding board for their communities.  
3 These broadcasters should be proud of the coverage  
4 that they provide of local issues, and I'm pleased  
5 that we have some excellent broadcasters here this  
6 evening, including this man right here and a lot more.

7 We want to hear more about the positive  
8 aspects of what's happening in the local media, as  
9 well as the issues that need more work. We want to  
10 learn how the FCC can encourage all stations, every  
11 single station, every licensee to put the needs of the  
12 local community first.

13 Over the years, the FCC has tried to  
14 promote localism in different ways with direct  
15 requirements to air certain kinds of programming or  
16 obligations on broadcasters to conduct formal  
17 ascertainment interviews with community leaders so  
18 that they learn what's happening in the community.

19 I remember that you told me that any  
20 broadcaster worth his salt would reach out to the  
21 public, and that would be a matter of course. That's  
22 what a good broadcaster does as a part of their

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1 business.

2 But a lot of these requirements have been  
3 eroded or eliminated over the years. Still local  
4 broadcasters continue to be the main source of local  
5 news, weather, public affairs programming and  
6 emergency information. That's where people go. All  
7 of our studies show that. They play a key part in  
8 making our democracy function at its best.

9 I want to hear directly from you about how  
10 well you think your local broadcasters are doing.  
11 That's what we're here for.

12 So I really welcome each of you here  
13 tonight. I do appreciate your coming out and all of  
14 the effort that went into that. You own the airwaves,  
15 and you deserve the final say in how your airwaves are  
16 regulated.

17 We're here tonight because we heard your  
18 voices ring out last year. You made a difference and  
19 the bipartisan coalition gave strength to the battle  
20 for the public interest.

21 So as the FCC goes back to the drawing  
22 board to re-do the rules, we need to hear from you

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1 again. So keep tuning in and taking names. We need  
2 to hear from more than three million this time.

3 Commissioner Copps talked about reality  
4 TV. It's interesting to think about at the dawn of  
5 the new media movement. It's really about the  
6 ultimate reality show of all, which is our democracy.  
7 Let's make sure that our democracy isn't voted off the  
8 island.

9 (Applause.)

10 COMMISSIONER ADELSTEIN: I thank you.  
11 Commissioner Copps and I are ready to ride again in  
12 the spirit of Paul Revere. We'll go back out all  
13 across the country, and we hope all of our colleagues  
14 will join us. And we're thrilled to begin right here  
15 in Monterey. So thanks for having us.

16 (Applause.)

17 COMMISSIONER ABERNATHY: Thank you,  
18 Commissioner Adelstein. In addition to being a  
19 passionate advocate on these issues, he's also an  
20 excellent musician if any of you have the opportunity  
21 to ever hear him play.

22 (Applause.)

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1 COMMISSIONER ABERNATHY: At this point I  
2 would like to recognize the City of Monterey, Mayor  
3 Daniel Albert, for some opening remarks. Mayor  
4 Albert. He's over to my right.

5 MAYOR ALBERT: Thank you very much, and  
6 certainly we want to extend a warm Monterey welcome to  
7 all of you of the Commission Task Force, and we  
8 certainly would like to extend a warm welcome to all  
9 of you out there and want to make sure that you enjoy  
10 the City of Monterey.

11 We're quite proud of our history and what  
12 it's all about, and we would urge you before you leave  
13 this evening that you spend some time in our  
14 restaurants.

15 (Laughter and Applause.)

16 MAYOR ALBERT: We need some kind of a  
17 commercial here, and I thought we would start off that  
18 way.

19 (Laughter.)

20 MAYOR ALBERT: This is an important policy  
21 area for us, and I know that it is generating  
22 considerable discussion across the country. And we

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1           thank you for reaching out to hear the public.

2                   I would like to share with you two  
3           messages this evening.     The first is that the  
4           commercial broadcast media have a history of serving  
5           this community well. We work with, watch, and listen  
6           to our local media outlets on a regular basis.

7                   I'm a retired educator and school teacher,  
8           and generally the report card is a good one.  
9           We also work with our local broadcasters during times  
10          of emergency when we need to just make vital and  
11          public information during earthquakes, fire, floods,  
12          and hazardous material accidents. Again, good marks.

13                  Lastly, we have had many opportunities to  
14          collaborate with local broadcasters as they wear their  
15          corporate citizens' hat while participating in a  
16          number of community enrichment initiatives. Frankly,  
17          this community wouldn't be the same without them.

18                  But I would caution the Task Force,  
19          however, not to be too quick to generalize my beliefs  
20          to other markets. I think that our size market makes  
21          our relationship with broadcasters somewhat unique. I  
22          don't think the same thing can be said in other

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1 communities, especially the larger ones, and I know  
2 this adds a lot of meaning to your proceeding tonight  
3 in this smaller community.

4 As an example, and I need to state this  
5 because these are some things that are happening to us  
6 as a city and as a region. As an example of success  
7 we have had locally, I would like to share with you an  
8 unprecedented success story involving Clear Channel  
9 Communications and its predecessor, the Ackley Group.  
10 Our community media nonprofit access, Monterey  
11 Peninsula, had just incorporated and was looking for a  
12 home when Ackley began operations under a local  
13 marketing agreement that moved a CBS affiliate out of  
14 Monterey to locate with a Fox affiliate in Salinas.

15 To make a long story short, Ackley made  
16 the vacant facilities in Monterey available to AMP at  
17 a very below market rent. In essence, when a  
18 substantial debate was taking place about turning two  
19 commercial editorial voices into one, Ackley enabled  
20 an amazing number of community voices by making its  
21 facilities available to the community.

22 As a major partner of AMP, the city is

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1 proud of our relationship with Ackley and now Clear  
2 Channel, and we look forward to that relationship  
3 continuing for a long time.

4 My comments to you and my second message  
5 are briefer - simply, although your proceedings are  
6 looking at commercial broadcast media, I heartily  
7 encourage you to look to your community media and PEG  
8 access to the cable system as vehicles to meet  
9 community needs and interests. These solutions can, in  
10 fact, help mitigate many of the concerns you are  
11 hearing in this media consolidation debate.

12 As an example, AMP and the city have  
13 collaborated to use our institutional network and  
14 community media center cable class, this hearing  
15 locally, and Webcast it across the county. PEG access  
16 and institutional networks are at risk. However,  
17 because of the growing erosion of local governments,  
18 cable financing authorization by legislatures and  
19 regulators is a subject that we care very deeply  
20 about, and we would welcome the opportunity to discuss  
21 it with you in greater detail.

22 What we're trying to say is that we've had

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1 good collaboration here in this particular region, and  
2 it has been a real benefit to the community and to the  
3 City of Monterey, but regional in nature.

4 Again, we thank you for being here in  
5 Monterey, and we know that this is going to be a very  
6 eager crowd to express -- we know. We have heard them  
7 -- a very eager crowd to express their thoughts to you  
8 and what they're thinking.

9 So thanks again for being in Monterey. We  
10 appreciate it. Thank you.

11 (Applause.)

12 COMMISSIONER ABERNATHY: Thank you, Mayor  
13 Albert, for your warm welcome to all of us and for  
14 your insights.

15 And now I would like to recognize Alex  
16 Zerago for a presentation on behalf of Congressman Sam  
17 Farr. Alex.

18 (Applause.)

19 MR. ZERAGO: Members of the Commission, I  
20 am here on behalf of Congressman Farr, and I want to  
21 read a short letter from him, and I'll just start with  
22 that.

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1 "Welcome to Monterey. I want to applaud  
2 your choice of the Central Coast as a venue for this  
3 session and hope that in addition to hearing and  
4 acting on the concerns of the community expressed here  
5 tonight that you are able to" -- and this is an echo  
6 of the mayor -- "to enjoy the offerings of our local  
7 tourism economy.

8 "I regret that with Congress in session  
9 tonight I cannot participate in this hearing.  
10 However, I have prepared written testimony that I ask  
11 for your staff to place in the record." And I have  
12 extra copies with me, if folks want that.

13 "In addition, today I have joined my  
14 fellow Democratic House Members from California in  
15 writing to the FCC Localism Task Force. I ask that  
16 the Task Force include this letter in the record as  
17 well.

18 "Both my testimony and the delegation  
19 letter highlight the widespread concern over media  
20 consolidation and its effect on the public discourse.  
21 I urge the Federal Communications Commission to work  
22 with the public to enact stricter licensing and

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1 ownership standards. I hope that this series of  
2 Localism Task Force hearings will begin a  
3 reinvigorated dialogue that will truly achieve media  
4 diversity.

5 "The hearings thus far must have given you  
6 a sense of the intense interest that this issue of  
7 media consolidation has generated across the spectrum  
8 of the American public."

9 And in addition, what I'd like to do is  
10 read the text of the letter that was sent from the  
11 California delegation. It's short, and it is signed  
12 by 22 members of Congress.

13 It begins, "In light of the recent  
14 decision by the U.S. Third Circuit Court of Appeals  
15 rejecting several FCC media ownership rules, we urge  
16 the FCC to renew the efforts to work with the public  
17 to enact stricter licensing and ownership standards.  
18 Hopefully this Localism Task Force hearing can begin a  
19 reinvigorated dialogue and debate that will truly  
20 achieve media diversity.

21 "One of our country's finest hallmarks is  
22 the promise of a free press that supports and

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1 encourages a wide variety of diverse voices.  
2 Unfortunately, consolidation within the media markets  
3 can and is effectively co-opting this promise. Media  
4 consolidation concentrates ownership of television,  
5 print and radio stations in the hands of a few  
6 conglomerates and transforms the control of the  
7 airwaves from the public to the investors of the  
8 select corporations.

9 "Media conglomerates that own multiple  
10 stations within single markets promote standardization  
11 of programming in order to reduce cost and maximize  
12 profits. This limits the ability of stations to cover  
13 local news, events and political needs because their  
14 corporate owners restrict their programming for  
15 stability.

16 "The result of corporate ownership is  
17 uniformity in local stations' issue coverage, which  
18 results in limiting discussion of presenting pressing  
19 local matters and stagnating public debate. When only  
20 a handful of owners control what a community hears,  
21 sees, and reads, local stations are unable to serve  
22 their diverse viewing public effectively.

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1 "We must continue to safeguard a free and  
2 diverse media that is relevant to our communities.  
3 Allowing corporate companies, corporations, to control  
4 our media markets is the wrong way to achieve these  
5 goals.

6 "We encourage the FCC to act in the public  
7 interest and limit media consolidation."

8 And it is signed by the following members  
9 of Congress: Sam Farr, Nancy Pelosi, Diane Watson,  
10 Barbara Lee, Lois Capps, Robert Matsui, Henry Waxman,  
11 Bob Filner, Maxine Waters, Tom Lantos, Lynn Woolsey,  
12 Mike Honda, Ellen Tauscher, Hilda Solis, Pete Stark,  
13 Mike Thompson, Javier Becerra, Linda Sanchez, Anna  
14 Eshoo, Dennis Cardoza, Loretta Sanchez, Howard Berman,  
15 and Grace Napolitano."

16 Thank you very much.

17 (Applause.)

18 COMMISSIONER ABERNATHY: Thank you very  
19 much, Mr. Zerago, for sharing the statement from  
20 Congressman Sam Farr, as well as the letter, with us.  
21 And of course, it will be placed into the record.

22 At this point I'd like to announce the

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1 commencement of our first panel, and request that  
2 Secretary Dortch from the FCC announce the hearing  
3 agenda. She'll introduce the panelists and the  
4 procedures for panel presentations, including the time  
5 keeping rule so that we will be sure and have plenty  
6 of time for comments from the audience tonight.

7 SECRETARY DORTCH: Thank you, Commissioner  
8 Abernathy. Good evening to you, Commissioner Copps,  
9 Commissioner Adelstein, panelists, special guests and  
10 citizens.

11 This evening's hearing will consist of two  
12 segments separated by a break. The first segment  
13 features two panel presentations for the seven  
14 different speakers on each panel. Each speaker will  
15 have five minutes to make remarks. I will use a time  
16 machine to maintain these time limits -- located in  
17 front of Commissioner Abernathy.

18 I will display a yellow light when there  
19 is one minute remaining for presentation, and each  
20 panelist should begin to sum up at that time.

21 I will display a red light when a  
22 panelist's time has expired, and each panelist must

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1 conclude his or her remarks.

2 After all speakers on the first panel have  
3 presented their opening remarks, there will be a brief  
4 period for the Commissioners to ask panelists  
5 questions and for panelists to respond.

6 We will then begin the second panel  
7 presentations. It will involve the same format and  
8 procedures as the first panel.

9 A fifteen minute break will follow the  
10 question and answer period for the second panel.  
11 After the break, we will begin the public  
12 participation session of the hearing.

13 Ms. Melva Davis will moderate that session  
14 and provide details about the format and procedures  
15 after the break.

16 Finally, we would like to remind you to  
17 turn off your cell phones and pagers. We will now  
18 begin the first panel presentation. In order of  
19 presentation, the speakers are Blanca Zarazua,  
20 Esquire. Ms. Zarazua has her own law practice in  
21 Monterey County and is Of Counsel to the law firm of  
22 Noland, Hamerly, Etienne and Hoss. Ms. Zarazua is

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1 also the Chair, Hispanic Chamber of Commerce of  
2 Monterey County and Honorary Consul to Mexico for  
3 Monterey and Santa Cruz Counties, Salinas, California.

4 Eduardo Dominguez, Vice President and  
5 General Manager, KSTS-TV, Telemundo, San Jose,  
6 California.

7 Patti Miller was scheduled to be with us  
8 this evening. She's from Children & the Media  
9 Program, Children Now, Oakland, California.  
10 Unfortunately, Ms. Miller was in an automobile  
11 accident and will not be able to be with us this  
12 evening.

13 Joseph W. Heston, President and General  
14 Manager, KSBW-TV, Hearst-Argyle Television, Salinas,  
15 California.

16 Joseph Salzman, Associate Dean, Annenberg  
17 School for Communication at the University of Southern  
18 California. Dean Salzman will present the testimony  
19 of Martin Kaplan, who is also an Associate Dean at the  
20 School for Communication. Mr. Kaplan could not join  
21 us this evening due to a family emergency.

22 Sean McLaughlin, President and CEO, Akaku,

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1 Maui Community Television, Kahului, Hawaii.

2 Chuck Tweedle, Senior Regional Vice  
3 President, Bonneville International's San Francisco  
4 and St. Louis Divisions, General Manager, KOIT-AM/FM,  
5 San Francisco, California.

6 Thank you. Commissioner Abernathy.

7 COMMISSIONER ABERNATHY: Thank you very  
8 much, Secretary Dortch.

9 And so let's start right away with Ms.  
10 Zarazua, but just so you know, we have been in contact  
11 with Patti Miller and we have talked to her. So it's  
12 not serious, but it was serious enough that she  
13 couldn't get here tonight. So for anyone who's  
14 worried, just so you know.

15 Ms. Zarazua.

16 MS. ZARAZUA: Yes, thank you.

17 Good evening, honorable members of the  
18 Federal Communications Commission, and good evening,  
19 ladies and gentlemen of the audience. It is an honor  
20 to be here this evening, and I thank Ms. Royce  
21 Sherlock and the entire Localism Task Force for having  
22 extended this invitation to me.

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1           Given the limited time available, I will  
2 be brief and direct with my comments, which are hereby  
3 respectfully submitted for your review and  
4 consideration. I also apologize for my rush speaking  
5 manner in making this presentation as I will be trying  
6 to keep within the five-minute designated time  
7 allotment.

8           My focus this evening will be to provide  
9 comment with respect to the Commission's concern that  
10 broadcasters serve the needs and interests of all  
11 significant segments of their communities, including  
12 the Spanish speaking communities.

13           I believe the term "significant segments"  
14 as used in the Commission's Notice of Inquiry adopted  
15 on June 7th, 2004, refers to segments of individuals  
16 whom I have the honor of serving in my various roles.  
17 As a lawyer, I represent many Spanish speakers who  
18 find the U.S. legal system difficult to understand. As  
19 Honorary Consul, I address the many issues facing  
20 immigrants from Mexico who live and work on  
21 California's Central Coast, and as Chair of the  
22 Hispanic Chamber of Commerce, I see firsthand the

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1 challenges faced by many small, Hispanic owned  
2 businesses.

3 These significant segments do not belong  
4 to a homogeneous group. Indeed, there is much  
5 diversity within diversity: language of preference,  
6 immigration status, economic level, level of formal  
7 education, etc. will all vary from individual to  
8 individual and from community to community.

9 Given this multifaceted context, the  
10 mission of localism and its implementation require  
11 extensive research and careful evaluation. If a  
12 person is unable to read English and English is the  
13 most commonly used language, that person will rely on  
14 visual and audio sources of information. If a person  
15 reads neither English nor Spanish, reliance on visual  
16 and audio sources of information is heightened.

17 Broadcasters are trustees of the public  
18 airways, and they must use the medium to serve the  
19 public interest. I would urge you to adopt a broad  
20 definition of public to include Spanish speakers,  
21 immigrants from abroad, individuals who are  
22 illiterate, etc., because to deny these individuals

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1 the benefits of this public resource is a disservice  
2 to everyone in the community, not just to those  
3 directly affected by such a decision.

4 This Commission has stated that the free  
5 flow of information is, quote, the life blood of  
6 democracy. As many can understand public information  
7 only if it is delivered in Spanish, do we truly have  
8 this free flow of information and do we truly protect  
9 democracy if Spanish is not used to deliver this  
10 public information?

11 The public's airwaves are akin to sort of  
12 international currency because people from all over  
13 the world use them. I would urge the Commission to  
14 manage this international currency using strict  
15 standards of accountability.

16 I have some specific recommendations, and  
17 my hope is that these recommendations will assist the  
18 Commission in complying with the Third District Court  
19 of Appeals' mandate that a, quote, rational and  
20 reasoned analysis be applied in formulating any  
21 proposed rule changes.

22 I believe a different vocabulary must be

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1 emphasized instead of referring so often to  
2 corporations, conglomerates, and consolidation, let  
3 us begin using words such as commitment, compassion,  
4 and community conscience.

5 (Applause.)

6 MS. ZARAZUA: (Laughing) Stop the Clock.  
7 To contribute to localism, broadcast programming must  
8 highlight heroes and success stories from within the  
9 significant segments already referenced so that  
10 community pride may be fostered.

11 With respect to non-programming factors, I  
12 urge the Commission to undertake the following: Urge  
13 main studios to be located within the local  
14 communities so that the local studios are, quote, part  
15 of the neighborhood.

16 (Applause.)

17 MS. ZARAZUA: Encourage contests for the  
18 leadership in the local community groups so that  
19 licensees have a pulse on community priorities.

20 Define locally oriented programming as  
21 programming of interest to the local community,  
22 regardless of the source.

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1            Incorporate individuals with sensitivity  
2            to these underserved communities in the decision-  
3            making process.

4            Reward licensees who seek opportunities to  
5            educate underserved communities. For example, with  
6            respect to local and national elections, licensees  
7            have the ability to educate communities about the  
8            importance of participating in the political process.

9            (Applause.)

10           MS. ZARAZUA: Licensees must explain why  
11           understanding and participating in the political  
12           process is important and how politics affect the daily  
13           lives of many individuals residing in underserved  
14           communities.

15           Currently many individuals in these  
16           communities consider politics as a low priority item  
17           because the daily challenge of basic economic survival  
18           continues to be the top priority.

19           With respect to regulations, I believe  
20           qualitative features need to be introduced. For  
21           example, if a licensee demonstrates strong community  
22           commitment, the initial term of the license could be

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1 automatically extended.

2 I'm going to conclude now and request a  
3 few seconds additional because of the applause. I  
4 thank you for that additional time.

5 (Laughter.)

6 MS. ZARAZUA: In conclusion, as  
7 Commissioner Adelstein has stated, localism means  
8 providing opportunities for local self-expression. To  
9 deny individuals the opportunity for self-expression  
10 is to deny them their personal growth, self-respect,  
11 and dignity.

12 With your permission, Commissioners, I  
13 would like to conclude with a few words in Spanish.

14 (Speaking Spanish.)

15 I just stated the following: Good evening,  
16 ladies and gentlemen. I just wanted to thank you for  
17 participating in this event. Your participation this  
18 evening confirms your interest in the future  
19 well-being of our community.

20 Thank you.

21 (Applause.)

22 COMMISSIONER ABERNATHY: Thank you, Ms.

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